

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JORDON DONGARRA,	:	No. 3:18-CV-1939
Plaintiff	:	
	:	
v.	:	(Caputo, J.)
	:	
OFFICER D. SMITH, et al.,	:	
Defendants	:	(Electronically Filed)

MOTION TO DISMISS AND/OR FOR SUMMARY JUDGMENT

Defendant D. Smith moves this Court to dismiss the complaint pursuant to Fed. R. Civ. P. 12(b) and/or to enter summary judgment in his favor pursuant to Fed. R. Civ. P. 56.

A brief in support of this motion will be filed in accordance with M.D. Pa. Local Rule 7.5.

Defendant has not sought Plaintiff's concurrence in the filing of this motion as is required under M.D. Pa. Local Rule 7.1 because Dongarra is a pro se prisoner.

Respectfully submitted,

DAVID J. FREED
United States Attorney

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Date: April 22, 2019

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MIDDLE DISTRICT OF PENNSYLVANIA**

JORDON DONGARRA,	:	No. 3:18-CV-1939
Plaintiff	:	
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v.	:	(Caputo, J.)
	:	
OFFICER D. SMITH, et al.,	:	
Defendants	:	(Electronically Filed)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion as to be competent to serve papers.

That on April 22, 2017, she served a copy of the attached

MOTION TO DISMISS AND/OR FOR SUMMARY JUDGMENT

by placing said copy in a postpaid envelope addressed to the person hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and contents in the United States Mail at Williamsport, Pennsylvania.

Addressee:
Jordon Dongarra
Reg. No. 60707-060
USP Canaan
P.O. Box 300
Waymart, PA 18472

s/ Tammy S. Folmar
TAMMY S. FOLMAR, Contractor
Data Analyst/Legal Assistant